



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,161	08/27/2003	Jose Cherem Haber	5483.00005	7059
29747	7590	06/03/2004	EXAMINER	
QUIRK & TRATOS 3773 HOWARD HUGHES PARKWAY SUITE 500 NORTH LAS VEGAS, NV 89109			LAYNO, BENJAMIN	
			ART UNIT	PAPER NUMBER
			3712	

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,161

Applicant(s)

HABER, JOSE CHEREM

Examiner

Benjamin H. Layno

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>052904</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 5-7, 9, 11-13, 15-18, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Moore, Jr.

The patent to Moore, Jr. discloses a wagering game comprising a craps like gaming table, Fig. 1, a pair of dice, and a high and low wagering area, Fig. 8. The high and low wagering area comprises a Over Seven betting area, an Under Seven betting area, col. 3, lines 45-60. To play the high and low wagering area, a value of seven is preestablished, players place high or low wagers, a player rolls the pair of dice and the wagers are resolved. The high wager "Over Seven" being won if the roll of the dice is higher than seven, and the low wager "Under Seven" being won if the roll of the dice is lower than seven. Moore, Jr. also disclose High-Low Craps Combo betting area wherein players place bets that each of four rolls of the dice produce all high numbers (higher than seven), or four rolls of the dice produce all low numbers (lower than seven), col. 10, lines 35-39. Thus, these four rolls are at least two consecutive rolls. Fig. 3 discloses an electronic gaming machine embodiment having a machine processor, a display, and means for accepting a high or low player wager. The processor simulates

Art Unit: 3712

the dice rolls 101-104 and resolves accepted wagers. The wagers are accepted by touch screen technology associated with the display, col. 15, lines 29-35.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, Jr.

Moore, Jr. also comprises betting areas for two dice roll combinations of "2 and 12", "3 and 11", "4 and 10", etc., col. 2, lines 52-64. Determining exactly what two dice roll combinations should be displayed on Moore, Jr.'s table layout would have simply been a casino business decision, which is always obvious in the art.

5. Claims 3, 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore Jr. as applied to claim 1 above, and further in view of Hobert.

The patent to Hobert teaches that it is known in the dice game art to place wagers on two or more rolls of the dice having the same sum (e.g. five consecutive 12's). The payouts of these wagers are greater if the number of rolls are greater, col. 5, lines 11-17. In view of such teaching, it would have been obvious to incorporate a wager to Moore, Jr. game, wherein players would have placed a wager on two or more rolls of the dice having the same sum. This modification would have made Moore Jr. game more exciting to play.

Art Unit: 3712

6. Claims 4, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, Jr. as applied to claim 1 above, and further in view of Timmons, Sr.

The patent to Timmons teaches that it is known in dice games to provide a display for displaying the history of the sums of each dice roll, Fig. 4, and see col. 4, line 65 to col. 5, line 47. In view of such teaching, it would have been obvious to provide a display to Moore Jr. game table. The display would have displayed the history of the sums of each dice roll. This modification would have provided more security and efficiency in playing Moore, Jr. game.

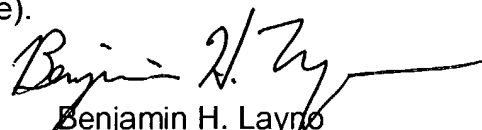
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The game "Under And Over Seven" in Scarne's Complete Guide To Gambling, and patents to Kropkowski et al. and Meeks all disclose dice games wherein seven is the preestablished value, and players place bets on whether the next roll of the dice will be under seven or over seven. The patent to Mitchell and Henderson disclose craps type games having wherein a given number is preestablished and players place bets on whether the next roll of the dice will be under or over the preestablished number.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (703) 308-1815. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3712

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Benjamin H. Layno
Primary Examiner
Art Unit 3712

bhl